



Prairie Island Indian Community Cannabis Regulatory Ordinance¹

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¹ Note of Adoption: The Community Council adopted this Ordinance on February 22, 2024, by Resolution Number 24-2-22-31.

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Section 1. Short Title. This Ordinance shall be known and may be cited as the Prairie Island Indian Community Cannabis Regulatory Ordinance.

Section 2. Statement of Purpose, Findings, and Authority.

a. Purpose.

1. This Prairie Island Indian Community Cannabis Regulatory Ordinance regulates matters relating to commercial cannabis, and those matters incidental to the effective regulation of commercial cannabis, including but not limited to, the use, possession, cultivation, production, sale, and transport of cannabis products within the Community's Indian Country.
2. This Ordinance consolidates all regulatory responsibility related to commercial cannabis in the Prairie Island Indian Community Cannabis Regulatory Commission, an agency of the Community, in order to further the economic development and health, safety and welfare goals of the Community.

b. Findings. On August 29, 2013, United States Deputy Attorney General James M. Cole issued a memorandum instructing United States attorneys not to interfere with cannabis activities operating under state-sanctioned regulatory and enforcement systems, provided such systems effectively address eight specific federal priorities. On October 28, 2014, United States Department of Justice Director Monty Wilkinson issued a similar memorandum extending the prosecutorial guidance under the memorandum of August 29, 2013, to cannabis activities in Indian country. Namely, federal prosecutors were generally instructed not to prosecute cannabis activities where state or tribal regulatory systems specifically address:

1. the prevention of the distribution of marijuana to minors;
2. the prevention of revenue from the Sale of marijuana from going to criminal enterprises, gangs, and cartels;
3. the prevention of the diversion of marijuana from states where it is legal under state law in some form to other states;
4. the prevention of state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or illegal activity;
5. the prevention of violence and the use of firearms in the cultivation and distribution of marijuana;
6. the prevention of drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. the prevention of the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
8. the prevention of marijuana possession or use on federal property.

Although former Attorney General Jefferson Sessions rescinded the memoranda of Attorney General Cole and Director Wilkinson on January 4, 2018, current Attorney

General Merrick Garland stated in his March 1, 2023, testimony before the United States Senate that the Department of Justice’s marijuana policy will harken back to when then-Deputy Attorney General Cole issued his memorandum of August 29, 2013. Based on the Department of Justice’s current stance, and the furthering proliferation of cannabis activities under state and tribal regulatory systems, the Community shall continue to consider the eight federal priorities of the memoranda of Attorney General Cole and Director Wilkinson as guidance for the legalization of cannabis activity within the Community’s Indian Country.

- c. Authority. [reserved]

Section 3. Definitions.

- a. “Adult Use Cannabis Concentrate” means: (1) the extracts and resins of a marijuana plant or flower; (2) the extracts or resins of a marijuana plant or flower that are refined to increase the presence of targeted cannabinoids; or (3) a product that is produced by refining extracts or resins of a marijuana plant or flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product, and is produced, distributed, and sold in compliance with this Ordinance. This includes adult use cannabis concentrates that are acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.
- b. “Adult Use Cannabis Edible” means any product that is intended to be eaten or consumed as a beverage by humans and contains Adult Use Cannabis Concentrate in combination with food ingredients that is produced, distributed, and sold in compliance with this Ordinance. This includes adult use cannabis edibles that are acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.
- c. “Adult Use Cannabis Flower” means the harvested flower, bud, leaves, and stems of a marijuana plant that is cultivated, processed, manufactured, distributed, and sold in compliance with this Ordinance. This includes adult use cannabis flower that is acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.
- d. “Adult Use Cannabis Product” means marijuana flower, concentrate, and edibles that are cultivated, produced, distributed, and sold in compliance with this Ordinance. This includes adult use cannabis products that are acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.
- e. “Approved Cannabis Products” means Cannabis Products approved for production and Sale by the Commission.
- f. “Approved Tribal Cannabis Licensing Agency” means a government agency of an Indian tribe located within the State and which is responsible for licensing or otherwise authorizing Cannabis Businesses within its jurisdiction, to which the Commission has granted licensing reciprocity.

- g. “Batch” means (1) a specific quantity of Cannabis Plants that are Cultivated from the same seed or plant stock, are Cultivated together, are intended to be harvested together, and receive an identical propagation and Cultivation treatment; (2) a specific quantity of Cannabis Flower that is harvested together, is uniform and intended to meet specifications for identity, strength, purity, and composition, and receives identical sorting, drying, curing, and storage treatment; or (3) a specific quantity of a specific Cannabis Product, Cannabis Concentrate, Cannabis Derivative or artificially derived Cannabinoid that is manufactured at the same time and using the same methods, equipment, and ingredients that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is produced, packaged, and labeled according to a single batch production record executed and documented.
- h. “Batch Number” means a unique numeric or alphanumeric identifier assigned to a Batch.
- i. “Bulk Sale” means the sale of Commercial Cannabis in substantially Final Form, with the intent that it will, through one or more intermediaries, be sold to the public following re-packaging.
- j. “Business Day” means any day other than a Saturday, Sunday or a day that is recognized as a legal holiday by Community Law or formal, written policy.
- k. “Cannabinoid” means any of the chemical constituents of Cannabis Plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.
- l. “Cannabis” shall have the same meaning as “Marijuana” and means all parts of the plant of any species of the genus cannabis, including all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana does not include Hemp.
- m. “Cannabis Business” means a Community Cannabis Businesses or a Foreign Cannabis Business.
- n. “Cannabis Concentrate” means Adult Use Cannabis Concentrate and Medical Use Concentrate, unless the context indicates that a particular provision applies to only Adult Use Cannabis Concentrate or Medical Use Concentrate.
- o. “Cannabis Crop” means one or more Cannabis Plants or plant parts that have not undergone Processing, other than harvesting, or Manufacturing.
- p. “Cannabis Derivative” means any material, substance or product that is, or that contains, Cannabis, or that is derived from Cannabis Crop, including but not limited

to, the mature stalks of the plant, fiber produced from the stalks, seeds of the plant, shake, leaves, or trichome powder, that is not in Final Form.

- q. “Cannabis Edible” means Adult Use Cannabis Edible and Medical Use Edible, unless the context indicates that a particular provision applies to only Adult Use Cannabis Edible or Medical Use Edible.
- r. “Cannabis Event” means any planned marketing, promotional, educational, training or other social event occurring at or in association with a Community Cannabis Facility that is (a) open to the general public and (b) offers temporary amenities or entertainment not ordinarily available at the Community Cannabis Facility, such as food trucks, outdoor sales kiosks, informational booths and live music.
- s. “Cannabis Event License” means the Commission-issued License required to host a Cannabis Event.
- t. “Cannabis Extractor” means a Person engaging in Extraction pursuant to an Extraction License.
- u. “Cannabis Facility Manager” means a Person (a) who provides contractual day-to-day management, development or consulting services on behalf of a Community Cannabis Business, and (b) has discretion or control over the business operations of such Community Cannabis Business and (c) receives compensation of more than \$25,000 per year and (d) has one or more of the following characteristics: (i) receives a percentage of revenues from the Community Cannabis Business, excluding nominal, performance-based bonuses provided to Persons who would otherwise be considered Employees; (ii) receives large fees from the Community Cannabis Business operations not based on extraordinary work or current risk; (iii) has an equity interest of 10% or more in the Community Cannabis Business or its operations; or (iv) is designated as a Cannabis Facility Manager by contract between such Person and the Community Cannabis Business.
- v. “Cannabis Flower” means Adult Use Cannabis Flower and Medical Use Flower, unless the context indicates that a particular a provision applies to only Adult Use Cannabis Flower or Medical Use Flower.
- w. “Cannabis for Personal Use” means Cannabis and Cannabis-containing material that is not intended for Sale in amounts not to exceed what is permitted by the Commission in its Regulations.
- x. “Cannabis Plant” means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.
- y. “Cannabis Product” means Adult Use Cannabis Product and Medical Use Cannabis Product, unless the context indicates that a particular provision applies to only Adult Use Cannabis Product or Medical Use Cannabis Product.
- z. “Cannabis Retail Facility” means a Community Cannabis Facility authorized to engage in Retail Sales of Cannabis Product to the public pursuant to a Retail License.

- aa. “Cannabis Retailer” means a Person engaging in Retail Sale of Cannabis Product to the public pursuant to a Retail License.
- bb. “Cannabis Seed” means the viable seed of the plant of the genus Cannabis that is reasonably expected to grow into a Cannabis Plant. Cannabis seed does not include Hemp seed.
- cc. “Commercial Cannabis” means Cannabis, Cannabis Crop, Cannabis Concentrate, Cannabis Derivative, Cannabis Product, or any combination of the foregoing, as the context may so indicate; provided, however, that the term Commercial Cannabis does not include Cannabis for Personal Use or Medical Use.
- dd. “Commercial Cannabis Activity” means the Cultivation, Processing, Manufacture, Distribution, Transport, Extraction, packaging, labeling, storing, permitting of On-Site Consumption, Sale or Commercial Purchase of Commercial Cannabis.²
- ee. “Commercial Purchase” means the authorized purchase of Commercial Cannabis in association with an Industrial Sale or Wholesale.
- ff. “Commercial Purchaser License” means the Commission-issued License authorizing a Foreign Cannabis Business to make Commercial Purchases.
- gg. “Commission” means the Prairie Island Indian Community Cannabis Regulatory Commission, as established under Section 6 of this Ordinance.
- hh. “Commissioner” means a member of the Commission, each of whom is an officer.
- ii. “Community” means the Prairie Island Indian Community in the State of Minnesota, a federally recognized Indian tribe.
- jj. “Community Cannabis Business” means a Person in possession of a Community Cannabis Business License, whose licensed business is located within the Community’s Indian Country.
- kk. “Community Cannabis Business License” means a Cultivation License, Processing License, Extraction License, Manufacturing License, Distribution License, Retail License, On-Site Consumption License, Cannabis Event License, Transport License, or any combination thereof.
- ll. “Community Cannabis Facility” means a Cultivation Facility, Processing Facility, Extraction Facility, Manufacturing Facility, Distribution Facility, or Cannabis Retail Facility.
- mm. “Community Council” means the constitutionally authorized governing body of the Community, also referred to as the “Tribal Council.”
- nn. “Community Law” means, in regard to any person, place, thing, action or occurrence (a) all local laws, rules, ordinances, regulations, codes, licenses and authorizations of the Community applicable thereto, and (b) all decisions, injunctions, interpretations,

² Note of Amendment: The Community Council adopted a technical amendment to this definition of “Commercial Cannabis Activity” on June 12, 2024, by Resolution Number 24-6-12-166, to correct a scrivener’s error to include “Extraction” as an activity consistent with the Ordinance.

orders or decrees of any court or other governmental authority of the Community having jurisdiction over the matter of concern.

- oo. “Community’s Indian Country” means the land now held in trust by the United States for the Minnesota Mdewakanton Sioux Indians, whether within the Prairie Island Indian Reservation or not, and shall include such other lands as may in the future be acquired within or without said boundary lines by the Department of the Interior or by the Community for our use in the State of Minnesota, as set forth in Article II, Section 1 of the Constitution.
- pp. “Compact” means a voluntary agreement between the Community and the State regarding Commercial Cannabis Activity pursuant to Minn. Stat. § 3.9228.
- qq. “Cultivation” and the correlative term “Cultivate” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis Plant, Cannabis Flower, or Cannabis Plant parts.
- rr. “Cultivation Facility” means the location where a Community Cannabis Business in possession of a current and valid Cultivation License is authorized by the Commission to Cultivate.
- ss. “Cultivation License” means the Commission-issued License required to operate a Cultivation Facility.
“Cultivator” means a Person engaging in Cultivation of Commercial Cannabis pursuant to a Cultivation License.
- tt. “Distributor” means a Person engaging in Distribution of Commercial Cannabis pursuant to a Distribution License.
- uu. “Distribution” and its correlative term “Distribute” means the Commercial Purchase and Wholesale or Industrial Sale of Commercial Cannabis, and the Transportation thereof.
- vv. “Distribution Facility” means the location where a Community Cannabis Business in possession of a current and valid Distribution License is authorized by the Commission to Distribute.
- ww. “Distribution License” means the Commission-issued License required to operate a Distribution Facility.
- xx. “Eight Federal Priorities” means the priorities listed in Section 2(b).
- yy. “Employee” means a natural person who participates in Commercial Cannabis Activity on behalf of a Community Cannabis Business or a Cannabis Facility Manager. Unless expressly stated otherwise, the term “Employee” as used in this Ordinance includes Key Employees. An “Employee” includes all persons who are contracted as employees, independent contractors, paid or unpaid interns, volunteers or any other person in privity of contract with a Community Cannabis Business or a Cannabis Facility Manager who (i) regularly perform job duties at or within a Community Cannabis Facility, or (ii) qualifies as a Key Employee, irrespective of

whether he or she regularly performs job duties at or within a Community Cannabis Facility.

- zz. “Employee License” means the Commission-issued License authorizing an Employee to perform Commercial Cannabis Activity at a Community Cannabis Facility.
- aaa. “Enforcement Action” means an Official Action of the Commission taken pursuant to an Initiating Report that takes disciplinary action against a Licensee for failing to comply with this Ordinance or the Regulations, as set forth in Section 9.
- bbb. “Extract” and the correlative terms “Extraction” and “Extracting” means the process of extracting Cannabis Concentrate from Cannabis Plants or Cannabis Flower using heat, pressure, water, lipids, gases, solvents, or other chemicals or chemical processes.
- ccc. “Extraction Facility” means the location where a Community Cannabis Business in possession of a current and valid Extraction License is authorized by the Commission to perform Extraction activities.
- ddd. “Extraction License” means the Commission-issued License required to operate an Extraction Facility.
- eee. “Federal Property” means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States, or any other instrumentality wholly owned by the United States, excluding property held in trust by the United States for the benefit of an Indian or Indian tribe.
- fff. “Final Form” refers to Cannabis Product that is packaged and labeled as it will be Sold at Retail to a consumer.
- ggg. “Foreign Cannabis Business” means a Cannabis Business that is located outside of the Community’s Indian Country or otherwise does not qualify as a Community Cannabis Business.
- hhh. “Foreign Cannabis Business License” means a Vendor License, Commercial Purchaser License, Transport License, or any combination thereof.
- iii. “Gaming Commission” means the Tribal gaming commission responsible for oversight of the Gaming Enterprise, including licensing of gaming staff and casino operations.
- jjj. “Gaming Enterprise” means the Treasure Island Resort & Casino and any and all related businesses, and any new Community business that is considered gaming activity under the Indian Gaming Regulatory Act (IGRA).
- kkk. “Hemp” means the plant cannabis sativa L. and any part of the plant, whether growing or not, including the plant's seeds, and all the plant's derivatives, extracts, Cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.
- lll. “Illicit Organization” means any organization that operates in contravention of Community Law, or in contravention of state or federal law not in conflict with

Community Law, including but not limited to criminal enterprises, gangs, cartels or other organizations participating in, or aiding and abetting, criminal activity.

- mmm. “Immature Cannabis Plant” means a Cannabis Plant that is nonflowering and is shorter and narrower than 18 inches.
- nnn. “Independent Third-Party Laboratory” means a third-party scientific laboratory certified by the International Organization for Standardization IEC 17025 standards, or any successor or replacement standards thereof, and which is capable of conducting potency and quality assurance testing on Commercial Cannabis in accordance with the requirements of this Ordinance and the Regulations.
- ooo. “Industrial Sale” means the Sale of Commercial Cannabis not in Final Form, none of which may be sold without further Processing or Manufacturing.
- ppp. “Infuse” and the correlative term “Infusion” means to utilize a process by which Cannabis, Cannabinoids, Cannabis Derivative, or Cannabis Concentrate is directly incorporated into a product formulation to produce a Manufactured Cannabis Product.
- qqq. “Initiating Report” means the Commission report described in Section 9(e) of this Ordinance.
- rrr. “Investigation Report” means the Commission report described in Section 9(d) of this Ordinance.
- sss. “Key Employee” means an Employee who has day-to-day management responsibilities over the staff, finances, inventory or business operations of a Community Cannabis Business. By way of example, and not by limitation, Key Employees include the general and assistant managers of a Community Cannabis Business and, if otherwise not included, the two most highly compensated Employees of a Community Cannabis Business. Key Employees also include any Employee who is determined as such by the Commission, including by request of a Community Cannabis Business.
- ttt. “License” means a license issued by the Commission under this Ordinance, authorizing a Person to participate in certain Commercial Cannabis Activity as controlled by their license type and any associated endorsements.
- uuu. “Licensee” means a Person in possession of a current and valid License.
- vvv. “Limited Access Area” means any area of a Community Cannabis Facility that is restricted to Licensees.
- www. “Manufacture” and the correlative terms “Manufactured” and “Manufacturing” shall mean the production, packaging, and labeling of Cannabis Products into Final Form through Infusion or other means.
- xxx. “Manufacturer” means a Person engaging in the Manufacture of Commercial Cannabis pursuant to a Manufacturing License.

- yyy. “Manufacturing Facility” means the location where a Community Cannabis Business in possession of a current and valid Manufacturing License is authorized by the Commission to Manufacture.
- zzz. “Manufacturing License” means the Commission-issued License required to operate a Manufacturing Facility.
- aaaa. “Medical Card” means an identification card issued by a state, county, tribe, or other legitimate governmental organization verifying a Person’s legitimate medical need to purchase, possess and transport Cannabis and Cannabis Product.
- bbbb. “Medical Use” means individual consumption of Cannabis Product for a legitimate medical need as established by a Medical Card.
- cccc. “Official Action of the Commission” shall be a final and official action of the Commission taken in accordance with Section 6(d).
- dddd. “On-Site Consumption” means the consumption of Cannabis Product at or in association with a Community Cannabis Facility.
- eeee. “On-Site Consumption Facility” means the location where a Community Cannabis Business in possession of a current and valid On-Site Consumption License is authorized by the Commission to allow On-Site Consumption.
- ffff. “On-Site Consumption License” means the Commission-issued License required to operate an On-Site Consumption Facility and to allow On-Site Consumption at a Community Cannabis Facility.
- gggg. “Ordinance” means this Prairie Island Indian Community Cannabis Regulatory Ordinance.
- hhhh. “Permitted Cannabis Concentrate” means Cannabis Concentrate approved for production and Sale by the Commission.
- iiii. “Person” means any natural person, corporation, limited liability company, trust, joint venture, association, company, partnership, governmental authority, or other entity.
- jjjj. “Plant Canopy” means the surface area within a Cultivation Facility that is used at any time to Cultivate mature, flowering Cannabis Plants. For multiple tier Cultivation, each tier of Cultivation surface area contributes to the total Plant Canopy calculation. Calculation of the area of the plant canopy does not include the surface area within the Cultivation Facility that is used to Cultivate Immature Cannabis Plants and seedlings.
- kkkk. “Process” and the correlative terms “Processed” and “Processing” shall mean to harvest, trim, dry, cure, grade, store and otherwise prepare Cannabis Plants, Cannabis Flower, or Cannabis Plant parts for Bulk Sale or Industrial Sale.
- llll. “Processing Facility” means the location where a Community Cannabis Business in possession of a current and valid Processing License is authorized by the Commission to Process.

- mmmm. “Processing License” means the Commission-issued License required to operate a Processing Facility.
- nnnn. “Processor” means a Person engaging in the Processing of Commercial Cannabis pursuant to a Processing License.
- oooo. “Professional Business Services License” means a Commission-issued License required for any Person to provide management, consulting, or other professional business services (other than legal or accounting services) with a value of more than \$25,000 per year to a Community Cannabis Business.
- pppp. “Public Lands” means land that is managed by a governmental entity, excluding land that is held in trust for an Indian or an Indian tribe, unless such land is declared public land by the Indian tribe with jurisdiction over said land.
- qqqq. “Regulations” means any regulations enacted by the Commission in accordance with this Ordinance.
- rrrr. “Resale” means the Sale of a Cannabis Product in Final Form, with the intent that it will, through one or more intermediaries, be sold to the public without further Processing, Manufacturing or packaging.
- ssss. “Retail” means the Sale of a Cannabis Product in Final Form to the public at a Cannabis Retail Facility.
- tttt. “Retail License” means the Commission-issued License required to operate a Cannabis Retail Facility.
- uuuu. “Sale” and its correlative term “Sell” means Industrial Sale, Wholesale or Retail.
- vvvv. “State” means the State of Minnesota.
- wwww. “THC Concentration” means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *cannabis*, or per volume or weight of Cannabis Product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.
- xxxx. “Transport” and the correlative term “Transportation” means to carry Commercial Cannabis from inside the Community’s Indian Country to a destination located outside the Community’s Indian Country, to a location inside the Community’s Indian Country from an origin located outside the Community’s Indian Country, or to and from locations within the Community’s Indian Country.
- yyyy. “Transport License” means the Commission-issued License authorizing a Person to Transport Commercial Cannabis in accordance with this Ordinance and the Regulations.
- zzzz. “Tribal” when such term is capitalized in this Ordinance specifically refers to the Community.
- aaaa. “Tribal Court” means the Prairie Island Mdewakanton Dakota Community Tribal Court.

bbbb. “Tribal Law Enforcement” means the Prairie Island Police Department, or other entity or persons appointed or otherwise retained by the Community to monitor, carry out and enforce responsibilities assigned to “Tribal Law Enforcement” under this Ordinance.

cccc. “Trim” means the excess sugar leaves, stems, trichomes, and other plant materials that are removed from Cannabis Flower.

dddd. “Vendor” means a Foreign Cannabis Business in possession of a current and valid Vendor License, authorizing such Person to Sell Commercial Cannabis to one or more Community Cannabis Facilities.

eeee. “Vendor License” means the Commission-issued License authorizing a Foreign Cannabis Business to operate as a Vendor.

ffff. “Volatile Solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

gggg. “Wholesale” means Resale and Bulk Sale.

In addition: Medical Use Cannabis Product, Flower, Edible, and Concentrate means any such product sold to a patient enrolled in the Minnesota Medical Cannabis Registry or medical cannabis registry of a Minnesota Indian tribe, and may include cannabis products with THC Concentrations or Cannabinoid profiles approved by the Commission for Sale to registered patients only.

Section 4. Applicability. This Ordinance applies to all persons, places, actions and things within the jurisdiction of the Community.

Section 5. Hemp Products.

- a. This Ordinance grants the Commission regulatory authority over the cultivation, production and sale of Hemp and products derived from Hemp within the Community.
- b. Until the Commission establishes regulations regarding Hemp cultivation, production or wholesale distribution, the production and sale of Hemp products in accordance with State and federal law shall be permitted within the Community without further regulation.
- c. The quantity limitations on possession of cannabis products in this Ordinance do not apply to Hemp products.

Section 6. Cannabis Regulatory Commission.

- a. Establishment; Purpose; Delegation of Authority.
 1. Establishment and Purpose. The Prairie Island Indian Community Cannabis Regulatory Commission is established as a civil regulatory agency of the Community having oversight of all Commercial Cannabis-related matters within the Community’s jurisdiction, through compact, ordinance, Community Council

resolution, or otherwise. The Commission is an instrumentality of the Community government, sharing the Community's sovereign immunity, and nothing in this Ordinance shall be or be deemed to be a waiver of the Commission's sovereign immunity.

2. Delegation of Authority. The Community Council delegates to the Commission the following authority to:
 - A. promulgate regulations with respect to the provisions of this Ordinance, and to amend and repeal such regulations;
 - B. hire staff or agents, delegate powers to such staff or agents, and to oversee such staff and agents;
 - C. impose and administer fees and taxes;
 - D. [reserved];
 - E. issue, deny, suspend, revoke, reinstate and renew Licenses as provided in this Ordinance or the Regulations;
 - F. audit, inspect and monitor entities licensed under this Ordinance in order to ensure compliance with this Ordinance and to assess the effectiveness of this Ordinance and the Regulations;
 - G. inspect proposed and licensed Community Cannabis Facilities and review all internal controls, safety and security plans, chemical processing plans, Cannabis waste disposal plans, hazardous material handling plans and building plans in relation to the issuance and renewal of Community Cannabis Business Licenses;
 - H. establish and enforce disciplinary procedures and impose penalties consistent with the purposes of this Ordinance, including but not limited to sanctions and monetary fines;
 - I. seek counsel from advisors as it may deem necessary, including without limitation attorneys, accountants, law enforcement specialists, investigators, industry specialists or consultants, building safety and security specialists and financial services professionals;
 - J. enter into contracts with third parties, as reasonably necessary to fulfill the duties and obligations of the Commission;
 - K. provide for an internal system of record keeping and storage of records with adequate safeguards for preserving confidentiality as deemed necessary by the Commission;
 - L. conduct, or cause to be conducted, any investigations the Commission determines necessary and appropriate to confirm a Licensee's compliance with this Ordinance and the Regulations;
 - M. hold hearings at such times and in such places as it may reasonably determine appropriate pursuant to Section 10 of this Ordinance and the Regulations;

- N. conduct random and scheduled consumer safety testing of Cannabis Products;
- O. destroy and dispose of unauthorized, non-conforming, illegal or unusable Cannabis-containing materials posing a danger to the health and safety of the general public or the environment;
- P. temporarily or permanently remove or ban any Person who poses a risk to the health and safety of others from any Community Cannabis Facility;
- Q. establish and maintain such bank accounts as may be necessary or convenient to the Commission's purpose;
- R. based on a reasonable and articulable suspicion of a violation of this Ordinance or the Regulations, briefly detain and perform searches of Licensees while present in the Community's Indian Country, and their personal effects, and to detain such Licensees where a search uncovers reasonable grounds to suspect that a Licensee is in violation of this Ordinance or the Regulations for a reasonable period of time and until such Licensee may be taken into custody by Tribal Law Enforcement;
- S. ensure the safety and well-being of the Community, its Community members and Persons present or located within the Community's Indian Country, and that they are not negatively impacted by Commercial Cannabis Activity;
- T. investigate and aid in prosecution of any suspicion of wrongdoing relating to Cannabis activities and any suspected violation of this Ordinance, cooperate with law enforcement and regulators, and cooperate in the prosecution of offenders before any court of competent jurisdiction, provided such cooperation or aid is not contrary to, or could reasonably be expected to result in a legal determination or prosecution of rights contrary to, Community Law;
- U. report suspected violations of Community Law, and suspected violations of State and federal law not inconsistent with this Ordinance and the Regulations, to Tribal Law Enforcement;
- V. monitor the use of pesticides, herbicides, fungicides, and hazardous materials in association with Commercial Cannabis Activities, and conduct water quality, well drown-down and run-off testing in accordance with applicable law;
- W. cooperate with the Community's environmental department and Tribal Historic Preservation Office to ensure Commercial Cannabis activities comply with Community Law relating to the environment and cultural resources, and other environmental assessments as may be required by the Community Council;
- X. enforce, and pursue violations of, the requirements of this Ordinance and the Regulations;
- Y. exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of this Ordinance; and

- Z. carry out any other regulatory duties with respect to Cannabis and Cannabis-related activities as the Community Council shall direct.
- 3. Retained Authority of the Community Council. The Community Council retains the authority:
 - A. to amend this Ordinance; and
 - B. to approve or veto any taxes or fees imposed by the Commission.

In the performance of its regulatory duties, the Commission is independent and autonomous from the Community Council. No prior or subsequent review by the Community Council of any actions of the Commission shall be required or permitted, except as may be otherwise explicitly provided in this Ordinance. Notwithstanding the foregoing, the Commission shall be subject to all Community Law, including generally-applicable administrative policies and procedures that are not in conflict with this Ordinance.

b. Composition; Election of Members; Term.

1. Members.

- A. The Commission shall be composed of one (1) or three (3) members, appointed by a majority vote of a quorum of the Community Council, and each member shall hold office so long as they remain qualified as defined in Section 6(b)(2).
- B. If the Commission is composed of one (1) member, such member shall serve as the Chair and shall, in addition to his or her duties as Chair, perform those duties incumbent of the Secretary. If the Commission is composed of three (3) members, the Community Council shall designate members as Chair, Vice-Chair, and Secretary; and in such instance, the Chair shall preside over meetings of the Commission, the Vice-Chair shall preside in absence of the Chair, and the Secretary shall record in writing the minutes of all Commission meetings and all official actions taken by the Commission.

2. Qualifications and Eligibility.

- A. The following individuals may not serve as Cannabis Commissioners: members of the Community Council or Gaming Commission; members of the board of directors of any Licensee or Community-owned enterprise that engages in any Cannabis activity; Employees of any Licensee or Community-owned enterprise that engages in any Cannabis activity; and, any employee of the Gaming Enterprise.
- B. All Cannabis Commissioners must be age 21 or older, pass a background check no less stringent than that required of a licensed Employee, and, at any time when the Commission consists of three (3) Commissioners, at least two (2) of the three (3) Commissioners must be enrolled members of the Community residing within the State of Minnesota.

3. Resignation, Removal and Vacancy.

- A. A Commissioner may resign at any time, effective immediately or at a specified later date, by giving written notice to the Community Council. Commissioners may be removed for cause by a 3/5 majority vote of a quorum of the Community Council, after a hearing. Cause for removal of a Commissioner includes, but is not limited to, commission of a felony in any jurisdiction, a misdemeanor involving fraud, embezzlement, theft by swindle and/or theft by misrepresentation, breach of confidentiality, dereliction of duties, or any other cause as provided by this Ordinance.
- B. If a Commissioner is elected to the Community Council, the Commissioner shall immediately resign as Commissioner upon taking the oath of office after election to the Community Council.
- C. Vacancies on the Commission caused by death, disability, resignation, removal, or election to the Community Council shall be filled by appointment of the Community Council in the following manner: the President of the Community Council shall within forty-eight (48) hours of a vacancy appoint an acting Commissioner to serve until such time as the vacancy may be filled, unless earlier removed in accordance with this Ordinance. While serving as an acting Commissioner, such acting Commissioner shall possess all the powers and privileges of the Commissioner so replaced. The Community Council shall fill any vacancy occurring in the Commission within thirty (30) days, and the Commissioner so appointed to fill such vacancy shall serve as Commissioner for the remaining term of the Commissioner that was replaced, unless the newly appointed Commissioner is earlier removed in accordance with this Ordinance.

c. Budget and Compensation.

- 1. The Commission shall be funded by an annual budget to be prepared by the Commission for Community Council approval. The Commission budget shall take into account anticipated revenue from taxes, application and other Commission fees, and any unexpended funds retained by the Commission at the end of the prior fiscal year, excluding funds that are obligated for costs or expenses incurred during the prior fiscal year.³
- 2. Commission funding shall be in an amount adequate for the Commission to fulfill all of its regulatory responsibilities under this Ordinance. The Community Council may approve requests by the Commission for supplemental budgetary appropriations as necessary.

³ Note of Amendment: The Community Council adopted a technical amendment to this subsection on June 12, 2024, by Resolution Number 24-6-12-166, to confirm that the Ordinance does not impose any License fee. The technical amendment did not change the original meaning of the Ordinance.

3. Commissioners shall be compensated in accordance with an approved budget. Commissioners shall be reimbursed for expenses approved by the Community Council that they incur in conducting the business of the Commission.
- d. Meetings; Actions of the Commission.
 1. Commission Actions.
 - A. At any time when the Commission consists of a single member, all official actions of the Commission Chair shall be considered Official Actions of the Commission. Any official action of the Commission Chair shall be documented in a signed writing or written resolution by the Commission Chair.
 - B. At any time when there is more than one Commissioner serving on the Commission, Official Actions of the Commission shall be effectuated through:
 - i. A majority vote of the Commissioners present at a duly held meeting at which a quorum is present pursuant to Section 6(d)(2); or
 - ii. An act or decision made in writing without a meeting setting forth the action so taken that contains the signatures and written consents of at least two (2) of three (3) members of the Commission.
 - C. In addition, the following acts shall be considered Official Actions of the Commission:
 - i. Determination of eligibility for a License; and
 - ii. Notice of an Enforcement Action.
 2. Meetings.
 - A. The Commission shall meet as frequently as necessary to discharge its duties, but in no case less frequently than once a month, at a time and date to be determined by the Commission.
 - B. A Commissioner may call a special meeting when necessary. Notice of special meetings shall be given in writing to each Commissioner, served by first class mail for delivery at least five (5) Business Days prior to any special meeting, or by email if the Commissioner agrees in writing to electronic notice. Any or all of the Commissioners may participate in any meeting by, or conduct the meeting through, use of any means of communication by which all individuals participating may simultaneously hear each other during the meeting.
 - C. Emergency meetings may be held at any time and at any place where all Commissioners are present.
 - D. Any Commission business may be transacted at any meeting at which all of the Commissioners are present, even if held without notice, and any such meeting shall be held as if the meeting had been called.

- E. A majority of two (2) of three (3) members of the Commission shall constitute a quorum for the transaction of business at any meeting of the Commission.
 - F. Each member of the Commission shall have the power to vote on all matters decided by the Commission. Each Commission member shall have one (1) vote. The affirmative vote of a majority of two members of the Commission shall constitute an Official Action of the Commission taken at a meeting.
3. Challenging Actions of the Commission.
- A. A Person may challenge an Official Action of the Commission by requesting a hearing pursuant to Section 10(a). Only Official Actions of the Commission are subject to review by hearing.
 - B. A Person may challenge a decision issued by the Commission upon conclusion of a hearing by appealing to the Tribal Court pursuant to Section 10(b). Only final hearing decisions issued by the Commission are subject to appeal to the Tribal Court.
- e. Reports. On or before January 31st of each year, the Commission shall provide to the Community Council an annual report, summarizing its activities during the prior fiscal year and accounting for all receipts and disbursements. This annual report shall identify, without limitation, all Licenses that the Commission issued, suspended, or revoked; all License applications that the Commission denied; all fees that the Commission collected; all Enforcement Actions that the Commission commenced; all sanctions that the Commission imposed; and all dates on which any Commission staff engaged in an investigation of a Licensee and the nature of the investigation. The Commission may provide the Community Council with additional reports on a more frequent basis as the Commission concludes is necessary and appropriate.

Section 7. Possession and Use; Personal Cultivation.

- a. Adult Personal Use. An adult age 21 years or older may possess, Cultivate, use, consume, purchase, and Transport Cannabis for Personal Use, subject to the limitation set forth in the Prairie Island Indian Community Personal Cannabis Use, Cultivation and Possession Ordinance. Cannabis Retail Facilities may not Retail Cannabis Product to any Person in excess of the maximum quantity of Cannabis for Personal Use allowable under said Ordinance. Possession in excess of the limitations placed on Cannabis for Personal Use shall be presumed to be possession of Commercial Cannabis.
- b. Possession, Cultivation, and Use by Patients Enrolled in a Medical-Use Registry. The provisions of this Section apply to patients enrolled in a medical-use registry except that: (i) any enrolled patient, regardless of age, may possess or use medical cannabis products; (ii) the Commission may approve the production and Sale of products for medical use that may have Cannabinoid concentrations above any limits that may otherwise apply; and (iii) the Commission may, by regulation, allow medical-use patients to Cultivate Cannabis and possess Cannabis Products in amounts greater than otherwise permitted under this Ordinance.

- c. Unlicensed Commercial Cannabis Activity Prohibited. No Person is permitted to participate in Commercial Cannabis Activity or possess Commercial Cannabis within the Community’s Indian Country without a valid and current License other than a governmental authority or government official as may be incidental to an official duty. For the avoidance of doubt, possession of Cannabis within the limitations placed on Cannabis for Personal Use, or if a patient enrolled in a medical-use registry, on Medical Use, is not possession of Commercial Cannabis.
- d. Unregulated Cannabis Activity Prohibited. Any Commercial Cannabis Activity that is not specifically addressed in this Ordinance or in the Regulations, now or as each may be amended in the future, is prohibited.
- e. Location Restrictions. Except for the Transportation of Commercial Cannabis authorized under this Ordinance or in the Regulations, all Commercial Cannabis Activity must occur at or within a Community Cannabis Facility that has obtained a License for the Community Cannabis Activity occurring therein. All Commercial Cannabis must be located within a Community Cannabis Facility or be in the custody of a Person with a License authorizing possession of Commercial Cannabis, or in the custody of a governmental authority in possession of Commercial Cannabis pursuant to an official duty.
- f. Drugged Driving. To the extent that such law does not already exist, prior to the opening of any Cannabis Retail Facility to the public or the licensing of On-Site Consumption, the Community shall adopt or amend Community Law making “drugged driving” an offense subject to penalty, and such law shall be in effect at all times when any Cannabis Retail Facility is open to the public or On-Site Consumption is permitted.

Section 8. Licensing.

- a. General Provisions.
 - 1. Eligibility. The Commission may grant Licenses to qualified applicants, in its sole discretion, based on the eligibility of the applicant, and, where applicable, on the location of the Community Cannabis Business. If an application for a License is denied, the Commission shall cite in a denial letter the specific reason(s) for the denial and may, if and where appropriate, allow for resubmission of an application for reconsideration.

The Commission may issue:

 - A. Community Cannabis Business Licenses to qualified Persons whose Community Cannabis Business is, or upon licensing will be, located within the Community’s Indian Country;
 - B. Employee Licenses to qualified individuals working for a Community Cannabis Business;
 - C. Professional Business Services Licenses to the class of persons identified in Section 8(c)(4); and

- D. Foreign Cannabis Business Licenses to Persons that are located outside of the Community's Indian Country.
 - 2. Term of License. A License issued under this Ordinance shall have a term of one (1) year. The Commission shall establish by regulation the rules and procedures for renewal of a License.
- b. License Applications.
- 1. Application Contents. All applicants must submit an application to the Commission on a form provided by the Commission for such purpose, that must include the following information:
 - A. the full legal or business name of the applicant;
 - B. the physical, postal and electronic mailing address of the applicant and, if applicable, the full name, postal and electronic mailing address of the authorized representative submitting the application on behalf of the applicant;
 - C. the license category or categories and any endorsement(s) sought by the applicant;
 - D. the applicant's social security or tax identification number;
 - E. if the applicant is a non-natural Person:
 - i. its organizational and governing documents (such as its articles of organization and operating agreement);
 - ii. a certificate of status or good standing (or similar document evidencing the good standing of the applicant) from the jurisdiction under which the applicant was formed, dated within thirty (30) days prior to the date of submission of the application;
 - iii. the full names of all directors (or equivalent office as applicable to the legal entity) and management-level employees of the applicant;
 - F. if the applicant is a natural Person:
 - i. a copy of a current and valid government-issued identification that includes a photograph of the applicant;
 - ii. at least three (3) professional references;
 - iii. the applicant's employment history for the last five (5) years;
 - iv. all residential addresses of the applicant for the last five (5) years;
 - v. a list of any relatives (immediate family (i.e., mother, father, son, daughter, siblings, husband, wife)) and co-habitants of the applicant who have been convicted of a felony involving drug-trafficking or money laundering;
 - vi. if seeking a Transport License or endorsement, a copy of his or her valid government-issued driver's license;

- G. if the applicant is applying for a Community Cannabis Business License:
 - i. as applicable, the present or proposed physical address or legal property description of the Community Cannabis Business;
 - ii. operating procedures for the business (including the plans for compliance with inventory, safety testing, and security) applicable to the License category sought;
 - iii. to the extent not otherwise included in this subsection (H):
 - 01. a general description of the location or locations that the applicant plans to operate, including the planned square footage of planned space for Cultivation, Wholesale, Processing, Manufacturing, Extracting, Retail and On-Site Consumption, as applicable;
 - 02. a copy of the applicant's business plan showing the expected size of the business, its marketing and business strategy; anticipated growth; anticipated number of Employees; a listing of the Commercial Cannabis anticipated to be Cultivated, Processed, Extracted, Manufactured, available for Sale and/or Transported, as applicable; the methods of record keeping; the knowledge and experience of the applicant and any officer, director, manager, and general partner of the business; the environmental plan; and other relevant financial and operational components;
 - iv. A resolution or other written document, issued by the Community Council, authorizing the applicant to use a specific parcel or other area of the Community's Indian Country for operation of the applicant's business, which must identify with particularity the type(s) of Commercial Cannabis Activity so authorized;
- H. if the applicant is applying for an Employee License:
 - i. the applicant's job title and job description;
 - ii. a copy of a written offer of employment from a Community Cannabis Business;
- I. if the applicant is applying for a Professional Business Services License, a description of the services to be provided and evidence of a request for such services from a Community Cannabis Business (such as an executed contract or engagement letter);
- J. if the applicant is applying for a Foreign Cannabis Business License, proof of the applicant's eligibility or authorization to engage in Commercial Cannabis Activities at its business location consistent with the License and/or endorsements sought;
- K. certification that the applicant will comply with this Ordinance and the Regulations;

- L. identification of one or more controlling persons or managerial employees as agents who shall be responsible for dealing with the Commission on all matters;
 - M. where deemed necessary by the Commission, a waiver of sovereign immunity, validly enacted under applicable law, as to the jurisdiction and authority of the Commission provided in this Ordinance; and
 - N. any other information that the Commission may require.
2. Application and Renewal Fees. The Commission may establish in its Regulations application and renewal application fees to be paid in association with applications for a License or renewal of License.⁴
- c. Licensees.
- 1. Community Cannabis Business Licensees. The Commission may issue the following Licenses to a Community Cannabis Business:
 - A. a Cultivation License, authorizing the permitted activities described in Section 13(a);
 - B. a Processing License, authorizing the permitted activities described in Section 14(a);
 - C. an Extraction License, authorizing the permitted activities described in Section 15(a);
 - D. a Manufacturing License, authorizing the permitted activities described in Section 16(a);
 - E. a Distribution License, authorizing the permitted activities described in Section 17(a);
 - F. a Retail License, authorizing the permitted activities described in Section 18(a);
 - G. an On-Site Consumption License, authorizing the permitted activities described in Section 19(a);
 - H. a Cannabis Event License, authorizing the permitted activities described in Section 19(b); and
 - I. a Transport License, authorizing the permitted activities described in Section 20(a).
 - 2. Combination License. The Commission may issue a single License with endorsements to a Community Cannabis Business to operate any combination of the Cannabis Business categories provided in Section 8(c)(1).

⁴ Note of Amendment: The Community Council adopted a technical amendment to this subsection on June 12, 2024, by Resolution Number 24-6-12-166, to confirm that the Ordinance does not impose any License fee. The technical amendment did not change the original meaning of the Ordinance.

3. Employee Licensees. As a condition of employment, all Employees of a Community Cannabis Business must be in possession of a valid and current Employee License. In addition, every Key Employee of a Cannabis Business shall be required to obtain an Employee License with a “Key Employee” endorsement. Every Employee of a Cannabis Business performing the physical Transport of Commercial Cannabis on behalf of a Cannabis Business must obtain a “Transport” endorsement.

To obtain an Employee License, a person must:

- A. pass a background check showing that they have not been convicted of a felony involving violence, or a crime of moral turpitude, as such term shall be defined in the Regulations, unless the Commission specifically finds that the Person qualifies for a forgiveness waiver pursuant to criteria established by the Commission in its Regulations;
 - B. certify that they will comply with this Ordinance and the conditions of their License;
 - C. comply with any other conditions that the Commission may establish in its Regulations; and
 - D. comply with applicable Community Law.
4. Professional Business Services Licensees. Any Person that provides management, consulting, or other professional business services (other than legal or accounting services) with a value of more than \$25,000 per year, to a Community Cannabis Business, must obtain a Professional Business Services License.

An application for License under this Section for Professional Business Services not constituting Management Services shall require only the materials and information under Section 8(b)(1)(A)-(B) and (L)-(O).

5. Foreign Cannabis Business Licensees. The Commission may issue Foreign Cannabis Business Licenses for the following categories of businesses located outside of the Community’s Indian Country:
 - A. a Vendor License, authorizing the permitted activities described in Section 21(a); and
 - B. a Commercial Purchaser License, authorizing the permitted activities described in Section 21(b).

In addition, a Foreign Cannabis Business may obtain a Transport License or endorsement, authorizing the permitted activities described in Section 20(a).

6. Combination Licenses for Foreign Cannabis Businesses. The Commission may issue a single License with endorsements to operate any combination of the Cannabis business categories provided in Section 8(c)(5).

d. Reciprocity for Tribal and State Licensees.

1. Tribal Licensees. A Person holding, or operating under, a valid cannabis business license issued by an Approved Tribal Cannabis Licensing Agency within the State may obtain a Foreign Cannabis Business License, without requiring a background check and applying for such License on an abbreviated application form provided by the Commission for such purpose, to engage in Cannabis commerce with a business licensed under this Ordinance to the extent permitted under the issuing tribe's license conditions.
2. State Licensees. A Person holding, or operating under, a valid cannabis business license issued by the State of Minnesota may obtain a Foreign Cannabis Business License, without requiring a background check and applying for such License on an abbreviated application form provided by the Commission for such purpose, to engage in Cannabis commerce with a business licensed under this Ordinance to the extent permitted under a compact that is in effect between the Community and State.
3. Limitations on Reciprocity of Licenses. Notwithstanding the foregoing provisions of this subsection, no Person may establish a place of business for any category of Cannabis Business within the Community's jurisdiction unless licensed under this Ordinance.

Section 9. License Suspension, Revocation, and Other Enforcement Actions.

- a. Monitoring and Enforcement. The Commission shall actively participate in the monitoring and enforcement mechanisms set forth in this Section 9 and the Regulations to ensure all Persons participating in Commercial Cannabis Activity within the Community's Indian Country are compliant with this Ordinance, the Regulations and other Community Law.
- b. Grounds for License Suspension, Revocation and Other Enforcement Actions. The Commission may commence an Enforcement Action against a Licensee who:
 1. violates any provision of this Ordinance, the Regulations, or License condition, including any violation of subsections (2)-(8), below;
 2. makes any false representation or statement to the Commission;
 3. fails to submit any information or report to the Commission or maintain any records that are required by this Ordinance, Commission Regulations, the Licensee's License, or that are necessary for Commission staff to perform its duties;
 4. maintains any Community Cannabis Facility in an unhealthy, unsafe, insanitary, or insecure condition;
 5. fails to maintain adequate security protocols to prevent the theft or other loss of Commercial Cannabis in the Licensee's possession or control;

6. knowingly and materially misrepresents to any Person the condition, quality, or content of any Commercial Cannabis in the possession of or transferred by the Licensee;
 7. obstructs or impedes the performance of the duties of the Commission;
 8. is or becomes associated with any Illicit Organization;
 9. becomes ineligible to hold a License due to a change in circumstances such that the Licensee has failed to meet the minimum requirements for a License; or
 10. violates applicable State law not in conflict with Community Law.
- c. Investigations. The Commission, including any Commissioner or Commission agent so authorized by the Commission, may conduct investigations upon reasonable suspicion of a violation of this Ordinance or the Regulations to determine whether such violation has occurred. In conducting an investigation, the Commission and its authorized staff may do any of the following:
1. question or interview any Licensee reasonably suspected of a violation of this Ordinance or the Regulations, and such questioning or interview may, where warranted, occur at an office designated by the Commission and may be audio or video recorded;
 2. conduct a reasonable search and seizure of any Licensee reasonably suspected of a violation of this Ordinance or the Regulations and the Licensee's personal effects and vehicle while located within the Community's Indian Country;
 3. seize from a Licensee any contraband material, which shall be stored until such time as it is either provided to law enforcement or disposed of in accordance with this Ordinance and the Regulations;
 4. question or interview any Person regarding a suspected or alleged violation of this Ordinance or the Regulations, provided no Person (other than Licensee) may be compelled to participate in such questioning or interview;
 5. take the written testimony of any Person, provided no Person (other than a Licensee) may be compelled to provide such testimony;
 6. require the production of any reports, records, and documents that a Licensee is required to keep in accordance with this Ordinance and the Regulations;
 7. take any other action permitted under this Ordinance or the Regulations, such as conducting emergency inspections of Community Cannabis Facilities; and
 8. contact Tribal Law Enforcement, particularly under circumstances where the foregoing investigation tactics may be insufficient to determine whether a violation has occurred, or where a Commissioner has a reasonable apprehension of fear that performing an investigation may cause harm to the Commissioner or others.

d. Investigation Reports.

1. At the conclusion of an investigation, the investigating Commissioner(s), or Commission agents(s) shall prepare an Investigation Report describing the motivation for the investigation, the investigatory steps taken, the information and materials collected and the results of the investigation. If the Investigation Report concludes that one or more violations of this Ordinance or the Regulations has occurred, it shall state the violation(s) in the report. Investigation Reports, and any recordings, writings or other materials gathered during the investigation, shall only be used as evidence in a hearing or provided to law enforcement to aid in the bona fide investigation or prosecution of a Person, providing the purpose of such investigation or prosecution is consistent with Community Law. Any Person who is not the subject of an investigation may provide information on the condition of confidentiality and/or anonymity, and the Commission shall keep such information confidential and/or anonymous unless compelled to disclose such information by a court of competent jurisdiction.
2. The investigating Commissioner(s) shall present the Investigation Report to the Commission at a meeting called for that purpose, irrespective of whether the report determined a violation has occurred. If the Commission, at such meeting, finds that a violation has occurred it shall call to commence an Enforcement Action.

e. Commencement of Enforcement Action.

1. An Enforcement Action is commenced by a Commissioner, or Commission agent, submitting, in writing, an Initiating Report to the Commission.
2. The Initiating Report shall:
 - A. set forth allegations of the grounds for the Enforcement Action against the Licensee who is the subject of the Enforcement Action with sufficient particularity that the Licensee has the ability to identify the grounds for the Enforcement Action and respond to the allegations;
 - B. identify the evidence and information that are the grounds for determining that an Enforcement Action is justified; and
 - C. identify the sanction(s) and/or remedial action(s) that are appropriate in light of the allegations against the Licensee.
3. The Commission shall review the Initiating Report at a meeting called for that purpose and shall vote whether to commence an Enforcement Action against the subject Licensee.
4. If the Commission determines that a violation can be remedied through remedial action, without sanction or other disciplinary proceeding, the Commission may issue a notice of remedial action in lieu of commencing an Enforcement Action. Any such notice shall include instructions for how the Licensee may take and report to the Commission on such remedial action, and the consequences for

failure to take remedial action, which may include the immediate initiation of an Enforcement Action.

- f. Notice of Enforcement Action. If the Commission determines pursuant to an Initiating Report that an Enforcement Action is appropriate, the Commission shall provide written notice to the Licensee that is the subject of the Enforcement Action. The notice of Enforcement Action shall explain that the Licensee has the right to respond to the allegations of the Investigation Report, which report shall be attached, and the notice shall at minimum include:
1. the grounds for suspension, revocation or other sanction;
 2. the intended action by the Commission, including the amount of any monetary fine and the duration of any suspension (including the date on which the suspension is to commence and the date on which the suspension is to conclude if a hearing is not requested);
 3. whether disciplinary action can be avoided through remedial action, and instructions for how the Licensee make take such actions and report to the Commission;
 4. a statement that a Licensee that requests a hearing for a suspension or sanction shall have such disciplinary action automatically tolled during the pendency of the hearing and any subsequent appeal permitted under the Cannabis Ordinance or the Regulations;
 5. a statement that a Licensee that requests a hearing for a revocation shall have the status of their License reduced to a suspension, with such License to remain suspended until the final disposition of the hearing and any subsequent appeal permitted under the Cannabis Ordinance or the Regulations;
 6. a statement informing the Licensee of the date on which written notice to request a Hearing must be received by the Commission, and that requests received after such date may only be granted at the Commission's discretion;
 7. a statement that a Licensee that requests a hearing shall have the right to be represented by counsel of their choosing, but that no counsel shall be provided to them; and
 8. instructions for:
 - A. the procedure by which the Licensee must request a hearing date with the Commission to challenge the Enforcement Action; and
 - B. if the Licensee does not seek to challenge the Enforcement Action, instructions for how the Licensee may make payment of any monetary fines being assessed and/or for how the Licensee may reinstate a suspended License at the conclusion of the disciplinary period.
- g. Default. If the party who is the subject of the Enforcement Action does not respond to the notice, then the Commission may accept as true any allegations contained in the Initiating Report. It may then decide either to impose a sanction or other penalty on

the Licensee based solely on the information presented in the Initiating Report, or to request or compel the submission of additional information and evidence to the Commission, based on which the Commission may decide whether to impose a sanction or other penalty. The Commission shall issue its decision in writing without unreasonable delay.

h. Sanctions and Other Disciplinary Actions.

1. Available Sanctions. The Commission has authority to impose any sanction or sanctions that it concludes are necessary and appropriate to punish wrongdoing, deter further violations of this Ordinance and the Regulations and protect the integrity of the regulatory system. Sanctions that the Commission may impose include but are not limited to:
 - A. suspension or revocation of a License;
 - B. imposition of a fine against a Licensee up to \$5,000 per offence, and \$10,000 in aggregate; and
 - C. requiring the Licensee to complete a remedial action, such as completion of educational or training courses, remedying an out-of-compliance condition on the licensed premises, or submission of reports or other information to the Commission.
2. Suspensions and Revocations. The Commission may, based on good cause, suspend a License for a maximum of thirty (30) days, or it may revoke a License, and shall notify the Licensee in writing of the proposed suspension or revocation and the right of the Licensee to a hearing, along with instructions to schedule such a hearing. The License shall be suspended or revoked, as applicable, if the Licensee subject to a notice does not timely request a hearing, or if the Commission determines the License should be suspended or revoked following the conclusion of the hearing. If the Commission determines corrective action is appropriate, it shall notify the Licensee in writing of the violation and describe the corrective action that must be performed to remedy the violation and establish a reasonable date by which the violation must be cured. If the violation is not cured to the satisfaction of the Commission, then the License shall be suspended, and may be revoked. If a Licensee has its License revoked, it shall be prohibited from accessing the premises to which such License is appurtenant.
3. Fines. The Commission may impose fines on any Licensee for violation(s) of this Ordinance. The Commission shall set forth a schedule of fines for violations of the Ordinance or the Regulations in the Regulations, not to exceed \$5,000 per offence and \$10,000 in aggregate.

- i. Emergency Enforcement Actions. Any Commissioner, with or without providing notice of an Enforcement Action pursuant to Section 9(f), may immediately suspend a License, or suspend operations of any Community Cannabis Facility, for any material violation or suspected material violation of this Ordinance or the Regulations for no more than three (3) Business Days, where delay in any such suspension may risk the

safety and security of the persons or property located within the Community's Indian Country, or would otherwise undermine the integrity of Commercial Cannabis Activity. Within the three (3) Business Day temporary suspension period, the Commission must decide to either continue the suspension or issue a revocation in accordance with the procedures described in this Section 9 or lift the suspension. If no decision is made by the Commission within three (3) Business Days, the suspension shall be lifted by operation of law. The Commission may authorize the extension of a suspension issued until completion of a hearing process, or satisfaction of conditions imposed by the Commission.

- j. Reinstatement. The Commission may, at its reasoned discretion, reinstate a License that has been revoked, provided that a Person shall only be eligible for reinstatement if:
1. At least six (6) months have passed since the start date of the License revocation;
 2. The Person files a petition for reinstatement of eligibility for a License with the Commission, and said petition, by clear and convincing evidence, demonstrates to the satisfaction of the Commission that:
 - A. the Person is eligible for the License under consideration;
 - B. the Person has reformed, rehabilitated or otherwise overcome the issue(s) giving rise to the Person's ineligibility for the License under consideration;
 - C. reinstating the License will not be detrimental to the integrity of regulated Commercial Cannabis Activity;
 - D. the Person has paid all fees, fines and other assessments due to the Commission; and
 - E. the Person does not owe any taxes or other debt to the Community.

For suspended Licenses, the Commission shall immediately reinstate the Person's License following the conclusion of the suspension period unless such Person otherwise becomes ineligible for reinstatement under this Ordinance or the Regulations.

Section 10. Hearings Before the Commission and Appeals of Commission Decisions.

- a. Administrative Hearings.
1. Requesting a Hearing. Any Person may request a hearing to challenge an Official Action of the Commission within ten (10) days of the date the Commission took such action, or such other date established by the Commission, by:
 - A. following the written instructions for requesting a hearing provided by the Commission in the notice of official action provided to a Licensee by the Commission; or
 - B. submitting a request to the Commission in writing that includes, at minimum: (a) the name and contact of the Person requesting the hearing, (b) the Official Action of the Commission being challenged, (c) a statement demonstrating a

reasonable basis for challenging the Official Action of the Commission, and (d) proof of payment for any filing fees that may be set by the Commission in the Regulations.

2. Scheduling. If the Licensee timely responds to the notice to challenge the allegations of any sanctions proposed in the Initiating Report and pays any fee that the Commission may establish in its Regulations for filing such a response, then the Commission shall schedule a hearing, which hearing shall be held within thirty (30) days of the Commission receiving the response from the Licensee. The Commission shall provide the Licensee with not less than ten (10) days written notice of the date and time when the hearing will be held.
3. Location. Hearings shall be held at a location within the Community's Indian Country and shall be closed to the general public; provided, however, that members of the Community shall have a right to observe hearings, but shall not participate or otherwise influence the hearing unless called upon as a character or testimonial witness. For the avoidance of doubt, members of the Community Council cannot be compelled to give testimony or otherwise appear at a hearing unless such member is the subject of the Enforcement Action.
4. Procedure. The Commission may establish procedural rules for hearing by Commission regulations, provided that such procedures give the subject of the Enforcement Action a fair opportunity to be represented by counsel, rebut the allegations against them, and present legal argument and evidence. The Commission Chair shall preside over the hearing, and shall have the responsibility and authority to maintain proper decorum during the hearing. The Commission Chair shall have the authority to remove any person from the room in which the hearing is occurring if necessary to maintain proper decorum.
5. Evidence. Hearings shall be non-adversarial and shall not be subject to formal rules of evidence, however both the Licensee and the Commission may present the following forms of evidence:
 - A. Oral argument;
 - B. Witnesses;
 - C. Affidavits; and
 - D. Written correspondence and documentation of any kind.

Nothing herein, however, shall prevent the Commission for compelling the production of documents or witness testimony from Licensees.

6. Legal Standard for Commission Decisions. The Commission shall weigh the evidence, testimony and exhibits and make its decision on the basis of a preponderance of the evidence and credibility of the evidence and witnesses.
7. Issuance of Decision. The Commission's decision shall be issued in writing within thirty (30) days of the hearing, and the decision shall include a statement of facts and a statement of legal authority on which the decision is based. Each decision

shall be delivered to the party for whom the hearing was held and shall include information and instructions for appealing the decision.

b. Appeals.

1. Any hearing decision of the Commission may be appealed to the Tribal Court. Any such appeal must be filed in the Tribal Court in accordance with Tribal Court processes, with a copy to the Commission, within thirty (30) days after the decision of the Commission is issued, unless a different time frame is otherwise specified or required by applicable Commission regulations. After the filing of a notice of appeal, the Commission shall prepare and submit to the Tribal Court within fifteen (15) days the administrative record of the relevant Commission hearing.
2. The parties to the appeal, the person appealing the decision of the Commission and the respondent Commission, shall have the opportunity to submit written arguments on the issues presented by the appeal and, in the discretion of the Tribal Court, participate in hearing or oral argument before the Tribal Court.
3. The Tribal Court shall review the Commission's decisions de novo on questions of law and for clear error on questions of fact. The Tribal Court is authorized to reverse a decision made by the Commission only where the court finds that: (a) the Commission's decision was unreasonable, arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with applicable law; (b) the Commission exceeded its jurisdiction, authority, or limitations under applicable Community Law; or (c) the Commission's decision is unsupported by substantial evidence or unwarranted by the facts presented, either orally or substantively.
4. The Tribal Court's rulings shall be subject to further appeal on the same basis as any other civil action in Tribal Court.

Section 11. Quality and Inventory Control.

- a. Testing Required. Commercial Cannabis sold within the Community's Indian Country must pass certain quality control standards that the Commission shall establish in its Regulations prior to Sale. At minimum, Commercial Cannabis sold within the Community's Indian Country must be tested by an Independent Third-Party Laboratory, as applicable for the type of Commercial Cannabis Sold, for:
 1. Cannabinoid concentrations;
 2. foreign materials, insects and larvae;
 3. microbial impurities;
 4. heavy metals;
 5. pesticides residual;
 6. moisture content and water activity;
 7. residual solvents and processing chemicals; and

8. terpenoids.
- b. Testing Procedures and Laboratory Requirements. The Commission shall establish testing procedures and acceptable testing laboratory requirements in the Regulations.
- c. Packaging and Labeling. The Commission shall establish labeling and packaging requirements for all Commercial Cannabis in its Regulations. For Cannabis Product, those requirements shall, at minimum, address the following criteria:
 1. requirements for child resistant packaging;
 2. potential adverse health and use warnings;
 3. ingredients contained within the Cannabis Product;
 4. THC Concentration;
 5. information regarding dosage or serving size; and
 6. process or production Batch Numbers.
- d. Inventory Control Plan. Every Community Cannabis Business shall maintain an inventory control and tracking system that meets the requirements the Commission shall establish in its Regulations. At minimum, the inventory control and tracking system must be able to monitor and report information regarding:
 1. insofar as is practicable, the chain of custody and current whereabouts, in real time, of Commercial Cannabis, including:
 - A. the source of all Commercial Cannabis within the Community's Indian Country through Cultivation, Processing, Extraction, Manufacturing (as applicable); and to
 - B. its final disposition, including as:
 - i. Cannabis waste, disposed in accordance with this Ordinance and the Regulations;
 - ii. Wholesale or Industrial Sale, including Transportation to a specific location outside of the Community; or
 - iii. Retail Sale.
 2. a real time accounting of the total amount of Commercial Cannabis sold; and
 3. such other information as the Commission may require.

Nothing in this subsection prohibits a Community Cannabis Business from co-owning an inventory control and tracking system in cooperation with another Community Cannabis Business, or sharing the information obtained therefrom.

- e. Audits and Random Sampling. Community Cannabis Businesses shall be subject to random and scheduled inventory audits and quality control sample testing of Commercial Cannabis by the Commission or its delegee for quality assurance. The Commission shall set forth procedures for inventory audits and quality control sample testing of Commercial Cannabis in the Regulations.

Section 12. Facility and Operational Standards Applicable to All Community Cannabis Facilities.

- a. Community Cannabis Facility Standards Generally. The following requirements apply to all Community Cannabis Facilities:
 1. Community Cannabis Facility operations must be conducted within a structure that is kept in good repair and adequately ventilated, with odor-control measures for external venting adequate for the activities and operations conducted therein.
 2. Community Cannabis Facilities must comply with storm-water, wastewater, and other requirements of Community Law.
 3. Community Cannabis Facilities must have and maintain a water supply sufficient for its operations and derived from a source that is a government-regulated water system. Private water supplies may be utilized if derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the Community Cannabis Facility's needs.
 4. Community Cannabis Facilities must have and maintain plumbing of adequate size and design, installed and maintained to carry sufficient quantities of water and properly convey sewage and liquid disposable waste from the Community Cannabis Facility. There shall be no cross-connections between the potable and wastewater lines.
 5. Community Cannabis Facilities shall provide Employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
 6. Community Cannabis Facilities must have and maintain hand-washing facilities that provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices. The hand-washing facilities must be located convenient to where operations are conducted that require Employees to wash and/or sanitize their hands.
 7. Community Cannabis Facilities must comply with any additional requirements of the Commission, whether broadly applicable or specific to a License type.
- b. Community Cannabis Facility Operational Standards. The following requirements apply to operations in all Community Cannabis Facilities:
 1. All operations must be conducted in a manner that does not adversely affect the health or safety of Employees, or the facility in which operations occur, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products, or wastes.
 2. All Persons working in direct contact with Cannabis shall conform to hygienic practices while on duty, including but not limited to maintaining sufficient personal cleanliness.

3. Any Person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with Cannabis shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.
 4. All buildings, fixtures, and other facilities shall be maintained in a safe and sanitary condition.
 5. Cannabis shall be stored in a manner that prevents the growth of bacterial or fungal contaminants.
 6. Community Cannabis Facility operations, including the receiving, inspecting, Transport, segregating, preparing, Processing, Extraction, Manufacturing, packaging, and storing of Cannabis and Cannabis Products, shall be conducted in accordance with sanitation measures adequate to ensure the safety of the Employees and products.
 7. Cannabis waste shall be disposed of so as to minimize the development of odor and minimize the potential for such waste becoming an attractant, harborage, or breeding place for pests. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where Cannabis is exposed.
 8. Community Cannabis Facility operations must additionally comply with any additional requirements of the Commission, whether broadly applicable or specific to a License type.
- c. Community Cannabis Facility Safety and Security Standards. A Community Cannabis Facility licensed under this Ordinance shall provide and maintain adequate security for its facilities, which shall include at a minimum the following:
1. All Employees shall be required to hold and properly display a current identification badge issued by the Commission at all times. Proper display of the badge shall consist of wearing the badge in a plainly visible manner, at or above the waist, and with the photo of the holder visible. The holder shall not alter, obscure, damage, or deface the badge in any manner.
 2. Security surveillance cameras shall be installed and maintained in good working condition to monitor the main entrance and exterior of all facilities to discourage loitering, crime, illegal, or nuisance activities, under such standards as the Commission shall establish in its Regulations.
 3. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition, under such standards as the Commission shall establish in its Regulations.

4. Professionally monitored fire alarm and fire suppression systems shall be installed and maintained in good working condition, under such standards as the Commission shall establish in its Regulations.
 5. At all times, Community Cannabis Facilities shall adhere to the requirements for staffing security personnel promulgated under the Commission's Regulations.
 6. All points of ingress and egress shall have commercial-grade, nonresidential door locks, under such standards as the Commission shall establish in its Regulations.
 7. A Community Cannabis Facility must additionally comply with any additional safety or security requirements of the Commission, whether broadly applicable or specific to a License type.
- d. Standards Specific to the Eight Federal Priorities. All Community Cannabis Facilities shall adhere to the rules, policies and procedural guidelines of this subsection.
1. Prevention of the Distribution of Marijuana to Minors. To prevent the distribution of Marijuana to minors:
 - A. No Community Cannabis Facility may be located within a distance established by the Commission in its Regulations of any school, youth activity center, recreation center or any other youth-centered organization or operation. The distance established in the Regulations shall be calculated as the horizontal distance measured in a straight line from the property line of the school, youth activity center, recreation center or any other youth-centered organization or operation to the closest property line of the Community Cannabis Facility, without regard to intervening structures.
 - B. No Person under twenty-one (21) years of age will be permitted to work in a Community Cannabis Facility, or to otherwise participate in Commercial Cannabis Activity.
 - C. Unless done pursuant to a medical exception, no Community Cannabis Facility may Sell or otherwise distribute any Cannabis to a Person under twenty-one (21) years of age.
 - D. No Community Cannabis Facility shall post any advertising regarding the use, possession or Sale of Cannabis within a distance established by the Commission in its Regulations of any school, public park, transit center, arcade, "attractive nuisance" or other area where children are customarily present.
 - E. No Community Cannabis Facility shall use any advertising depicting any Person under the age of twenty-one (21) or containing any imagery that may be appealing to children.
 2. Prevention of Revenue from the Sale of Marijuana from Going to Criminal Enterprises, Gangs, and Cartels. To prevent the distribution of revenue from the Sale of Marijuana from going to criminal enterprises, gangs, and cartels:

- A. No Community Cannabis Business shall knowingly employ, obtain services from, or otherwise provide compensation to, any Person who is either openly associated with, or who it reasonably suspects to be associated with, any Illicit Organization.
 - B. No Community Cannabis Business shall receive or provide any financial support, whether in cash, assets, credit, consignment or the like, from any Person that is, or is reasonably suspected by the Community Cannabis Facility to be, associated with any Illicit Organization.
 - C. All Community Cannabis Businesses shall be required to maintain books and records sufficient to audit and discover any prohibited financial support in association with Commercial Cannabis Activity.
3. Prevention of the Diversion of Marijuana from State or Tribal Jurisdictions Where it is Legal Under Some Form to Other State or Tribal Jurisdictions. To prevent the diversion of Marijuana from state and tribal jurisdictions where it is legal or otherwise permitted under some form to other state and tribal jurisdictions where such Marijuana is illegal or otherwise not permitted, Community Cannabis Facilities shall have policies and procedures in place ensuring:
- A. any Person receiving Commercial Cannabis delivered by the Community Cannabis Facility is licensed or otherwise permitted to accept such Commercial Cannabis under applicable law for the purpose for which it was received; and
 - B. any Person delivering Commercial Cannabis to a Community Cannabis Facility is licensed or otherwise permitted to deliver such Commercial Cannabis under applicable law for the purpose for which it was delivered.
- In applying this subsection, illegality or prohibition shall not be determined solely on the basis of possession or non-possession of a government-issued license if the export or import is otherwise determined to be permitted under this Ordinance and the Regulations, as determined by the Commission.
4. Prevention of State-Authorized or Tribally-Authorized Marijuana Activity from Being Used as a Cover or Pretext for the Trafficking of Other Illegal Drugs or Illegal Activity. To prevent state-authorized or tribally-authorized Marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or illegal activity, all Community Cannabis Facilities shall:
- A. obtain from their Employees, as a condition of their employment, informed consent to (a) video surveillance and (b) reasonable searches of their person and property while in and around the facility; and
 - B. cooperate with the Commission in its conduct of random and scheduled inspections.

5. Prevention of Violence and the Use of Firearms in the Cultivation and Distribution of Marijuana. To prevent violence and the general use of firearms in the Cultivation and Distribution of Marijuana:
 - A. Only security personnel authorized to carry firearms in accordance with standards established in the Regulations, and law enforcement personnel acting in their official capacity, shall be permitted to possess or use firearms within a Community Cannabis Facility.
 - B. Community Cannabis Facilities may only employ security personnel that have received conflict training commensurate with industry standards.
 - C. Community Cannabis Facilities shall establish policies and procedures for when and how security personnel should contact Tribal or other law enforcement.
 - D. No person exhibiting erratic or violent behavior shall be permitted to enter a Community Cannabis Facility.
6. Prevention of Drugged Driving and the Exacerbation of Adverse Public Health Consequences Associated with Marijuana Use. To prevent drugged driving and the exacerbation of adverse public health consequences associated with Marijuana use:
 - A. Employees of a Community Cannabis Facility shall not consume, or otherwise be under the influence of, Cannabis while performing their job duties.
 - B. All Community Cannabis Facilities shall immediately notify the Commission of any accident, injury, safety issue, spill, potential environmental contamination, or any other mishap relating to Commercial Cannabis Activity that could risk the health and safety of the public or the environment.
 - C. No Community Cannabis Facility shall allow for the consumption of Cannabis Product in or at a Community Cannabis Facility, unless such facility is licensed for On-Site Consumption, or such consumption is otherwise permitted during a Cannabis Event in accordance with the Regulations.
7. Prevention of Growing Marijuana on Public Lands and the Attendant Public Safety and Environmental Dangers Posed by Marijuana Production on Public Lands.
 - A. No Community Cannabis Facility shall conduct Commercial Cannabis Activity on Public Lands.
 - B. No Community Cannabis Facility shall engage in Commercial Cannabis Activity that may pose a significant risk to public safety, or which poses a significant risk to the environment, including the use of pesticides, herbicides, fungicides, and hazardous materials in a manner prohibited by the Regulations.
8. Prevention of Marijuana Possession or Use on Federal Property. No Community Cannabis Facility shall conduct Commercial Cannabis Activity on Federal Property, as such term is defined in this Ordinance.

e. Operating Procedures.

1. Written Operating Procedures Required. Each Community Cannabis Business shall establish written operating procedures for its Community Cannabis Facility, which must be approved by the Commission as a condition of obtaining a Community Cannabis Business License. At minimum, the operating procedures must provide for compliance with Sections 12(a)-(d), and include the additional following information:
 - A. the hours and days of the week the Community Cannabis Facility will be open, including, where applicable, the hours that the Cannabis Facility is open to the general public;
 - B. the number of Persons per shift who will be working at the Community Cannabis Facility;
 - C. hiring and employment practices;
 - D. employee training programs;
 - E. visitor and vendor protocols;
 - F. cash handling rules and procedures;
 - G. network security protocols;
 - H. plans and procedures for compliance with the facility security requirements under this Ordinance and the Regulations;
 - I. standards and procedures for the screening and intake of Commercial Cannabis upon delivery to a Community Cannabis Facility and, where applicable, the evaluation and Transport of Commercial Cannabis from a Community Cannabis Facility to another destination;
 - J. packaging and labeling practices and procedures;
 - K. plans and procedures for Cannabis waste management;
 - L. plans and procedures for compliance with the Commercial Cannabis safety testing and quality control requirements under this Ordinance and the Regulations;
 - M. plans and procedures for compliance with the inventory requirements under this Ordinance and the Regulations; and
 - N. any other information required by the Commission in its Regulations or which the Commission may request during the application review process.
2. A copy of all operating procedures must be maintained at every Community Cannabis Facility.
3. A Community Cannabis Business may amend its operating procedures subject to the following conditions:

- A. 30-days advance notice, and subject to Commission approval, for any changes relating to any procedures required under Section 12(e) of this Ordinance or the Regulations.
- B. Advance notice is not required for changes relating to procedures that are not required under Section 12(e), but the Community Cannabis Business must promptly provide the Commission with a copy of any such changes, and the Commission shall have the right to reject or require further modification to any such changes by written notice sent to the Community Cannabis Business within thirty (30) days of the Commission's receipt of the Community Cannabis Business's proposed changes.

Section 13. Commercial Cultivation.

a. Permitted Activities.

- 1. A Cultivation Facility may:
 - A. purchase Cannabis Seed and Immature Cannabis Plants;
 - B. plant and grow Cannabis Plants from Cannabis Seed or Immature Cannabis Plant to mature Cannabis Plant;
 - C. harvest, dry, cure, grade, trim and store Cannabis Plants and Cannabis Flower;
 - D. package and label Cannabis Crop, Immature Cannabis Plants, seedlings and Cannabis Flower for Industrial Sale and Wholesale to other Cannabis Businesses;
 - E. submit Cannabis Cultivated or received at the Cultivation Facility to an Independent Third-Party Laboratory for quality assurance testing;
 - F. dispose of or destroy Cannabis waste in compliance with this Ordinance and the Regulations; and
 - G. perform other actions approved by the Commission in its Regulations or License endorsement.
- 2. A Cultivator may Cultivate up to 30,000 square feet of Plant Canopy at an indoor Cultivation Facility; provided, however, the Commission may increase the Plant Canopy limits or allow for outdoor Cultivation by Regulation or License endorsement.
- 3. A Cultivator may, without obtaining an additional License or endorsement, Sell Cannabis Crop, Immature Cannabis Plants, seedlings and Cannabis Flower at Wholesale or as an Industrial Sale to other Community Cannabis Businesses as authorized by such business's License type(s), and insofar as permitted by applicable law or compact, to Foreign Cannabis Businesses licensed by other tribal governments or the State.

b. Facility and Operational Standards.

1. Facility Standards. In addition to the standards described in Section 12(a), the following requirements apply to Cultivation Facilities:
 - A. Cultivation Facilities must have and maintain screening or other protection against the entry of pests.
 - B. All equipment used in association with the packaging of Cannabis for Sale must be food-grade, and all counters and surface areas must be constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.
2. Operational Standards. In addition to the standards described in Section 12(b), the following requirements apply to operations in a Cultivation Facility:
 - A. Pesticide, herbicide, fertilizer, and any other chemicals used by the Cultivation Facility shall be identified, held, and stored in a manner that protects against contamination of Cannabis, and in a manner that is in accordance with this Ordinance and any applicable Tribal, state, or federal law, rule, or regulation.
 - B. Cultivators shall ensure that all equipment, counters, and surfaces used in association with the packaging of Cannabis for Sale are thoroughly and routinely cleaned to avoid contamination.

c. Operating Procedures.

1. Written Operating Procedures Required. In addition to the general requirements for operating procedures under Section 12(e), each Cultivation Facility shall establish written operating procedures specific to the Cultivation of Cannabis, which, at minimum, must include the additional following information:
 - A. the equipment and methods employed in the Cultivation of the Cannabis;
 - B. the manner in which all pesticides and other agricultural chemicals, if any, are to be applied during its Cultivation process;
 - C. the measures taken to minimize or offset energy use from the Cultivation of Cannabis;
 - D. the manner in which chemicals will be stored and used at the premises; and
 - E. the type and quantity of all effluent discharged into the Community's wastewater or storm-water system.

Section 14. Commercial Processing.

a. Permitted Activities.

1. A Processing Facility may:
 - A. purchase Cannabis Crop and Cannabis Flower, and dry, cure, grade, trim and store the same;

- B. package and label Cannabis Flower, including Trim, for Bulk Sale and Industrial Sale to other Cannabis Businesses;
 - C. submit Commercial Cannabis Processed or received at the Processing Facility to an Independent Third-Party Laboratory for quality assurance testing;
 - D. dispose of or destroy Cannabis waste in compliance with this Ordinance the Regulations; and
 - E. perform other actions approved by the Commission in its Regulations or License endorsement.
2. A Processor may make Sales of Cannabis Flower, including Trim, as Bulk Sales or as Industrial Sales to other Community Cannabis Businesses as authorized by such business's License type(s), and insofar as permitted by applicable law or compact, to Foreign Cannabis Businesses licensed by other tribal governments or the State.
- b. Facility and Operational Standards.
- 1. Processing Facility Standards. In addition to the standards described in Section 12(a), the following requirements apply to Processing Facilities: All equipment used in the Processing of Cannabis must be food-grade, and all counters and surface areas must be constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.
 - 2. Processing Operational Standards. In addition to the standards described in Section 12(b), the following requirements apply to operations in a Processing Facility: Processors shall ensure that all equipment, counters, and surfaces used in the Processing of Cannabis are thoroughly and routinely cleaned after each Batch of Processing activities.
- c. Written Operating Procedures Required. In addition to the general requirements for operating procedures under Section 12(e), each Processing Facility shall establish written procedures specific to the Processing of Cannabis, which, at minimum, must include the additional following information: The equipment and methods used in the Processing of Cannabis, and procedures for adequately training Employees regarding the use of such equipment and methods.

Section 15. Commercial Extraction.

- a. Permitted Activities.
- 1. An Extraction Facility may:
 - A. produce Permitted Cannabis Concentrate, including by means of Extraction, and store the same;
 - B. package and label Permitted Cannabis Concentrate, for Industrial Sale or Bulk Sale to other Cannabis Businesses;
 - C. purchase Cannabis Crop, Cannabis Flower, Cannabis Derivative and Cannabis Concentrate;

- D. submit Commercial Cannabis Extracted or received at the Extraction Facility to an Independent Third-Party Laboratory for quality assurance testing;
 - E. dispose of or destroy Cannabis waste in compliance with this Ordinance and the Regulations; and
 - F. perform other actions approved by the Commission in its Regulations or License endorsement.
2. A Cannabis Extractor may make Industrial Sales and Bulk Sales of Permitted Cannabis Concentrate to other Community Cannabis Businesses as authorized by such business's License type(s), and insofar as permitted by applicable law or compact, to Foreign Cannabis Businesses licensed by other tribal governments or the State.
- b. Facility and Operational Standards.
- 1. Extraction Facility Standards. In addition to the standards described in Section 12(a), the following requirements apply to Extraction Facilities:
 - A. The space in which any Cannabis Concentrate is to be produced must be a fully enclosed room and the entry to any such room must be clearly designated as a location where Cannabis Concentrate is being produced.
 - B. All equipment used in the production of a Cannabis Concentrate must be food-grade, and all counters and surface areas must be constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.
 - C. The space in which Cannabis Concentrate is produced must contain an emergency eye-wash station.
 - 2. Extraction Operational Standards. In addition to the standards described in Section 12(b), the following requirements apply to operations in an Extraction Facility:
 - A. All chemicals used in the Extraction Facility shall be identified, held, and stored in a manner that protects against contamination of Cannabis, and in a manner that is in accordance with this Ordinance and any applicable Tribal, state, or federal law, rule, or regulation.
 - B. Extraction operations shall be conducted in accordance with sanitation measures adequate to ensure the safety of the Employees and the products produced in the Extraction Facility that are intended for consumption or topical application, including by way of post-production Infusion.
 - C. Extraction Facility Licensees must ensure that all equipment, counters, and surfaces used in the production of a Cannabis Concentrate are thoroughly cleaned after the completion of each Batch of a Cannabis Concentrate.
 - D. For any Extraction method that involves the use of Volatile Solvents, pressurized gas or chemicals, or flammable materials, the Extraction Facility must, as applicable to the Extraction method:

- i. use a professional grade, closed-loop Extraction system capable of recovering the solvent used;
 - ii. implement a fume hood, or similar equipment, and exhaust system;
 - iii. if a pressurized Extraction system is utilized, ensure that every vessel in the system is rated to a minimum of nine hundred pounds per square inch;
 - iv. store all flammable material used in the production of Cannabis Concentrate in a storage-tank designed to hold flammable material and is outside of the room in which Extraction is conducted;
 - v. install and maintain a fire-suppression system in the room where Extraction is conducted;
 - vi. install and maintain a hydro-carbon gas and carbon dioxide gas monitoring system;
 - vii. ensure that the room in which Extraction is conducted is a spark-free environment;
 - viii. install and maintain an emergency shower; and
 - ix. ensure that all fluids used in the Extraction process are food-grade and pure.
- c. Written Operating Procedures Required. In addition to the general requirements for operating procedures under Section 12(e), each Extraction Facility shall establish written procedures specific to Extraction, which, at minimum, must include the additional following information:
1. Standard operating procedures for each method used to produce a Cannabis Concentrate.
 2. Written quality control procedures designed to minimize any potential risks to Employees or contamination of Commercial Cannabis.
 3. A standard operating procedure for each type of Cannabis Concentrate to be produced that is designed to maximize Employee safety and minimize potential contamination of Commercial Cannabis with residual solvents or microbials and mold.
 4. A comprehensive training manual that provides step-by-step instructions for each method used to produce a Cannabis Concentrate. The training manual must include, but need not be limited to, all standard operating procedures, quality control procedures and safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in each process used to create Cannabis Concentrate, and any cleaning required to comply with all applicable sanitary rules.
 5. Procedures for adequate training prior to an individual engaging in the production of a Cannabis Concentrate. Adequate training must include, but need not be limited to, providing the appropriate Employee with the training manual and live,

in-person instruction detailing safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in the process, and any cleaning required to maintain compliance with all applicable sanitary rules.

6. Procedures for maintaining clear and comprehensive records that document every phase of each step in the production of each Batch of Cannabis Concentrate, which must include the name and License number of every Employee that worked on such Batch.
7. Procedures for how the Cannabis Concentrate will be transported from the Extraction Facility to a Cannabis Business.
8. The procedure and documentation process for determining patient dosage, including testing for the major active agents, in the Commercial Cannabis (e.g., cannabinoids Tetrahydrocannabinol (THC), Cannabidiol (CBD) and Cannabinol (CBN)) produced or received at the Extraction Facility.

Section 16. Commercial Manufacturing.

a. Permitted Activities.

1. A Manufacturing Facility may:

- A. produce and store Approved Cannabis Products for adult use, through Infusion or other means, including Adult Use Cannabis Edibles containing Permitted Cannabis Concentrates and Adult Use Cannabis Products containing Permitted Cannabis Concentrates that are intended to be consumed by the inhalation of vapor; provided, however, that no activities constituting Extraction shall be permitted in a Manufacturing Facility unless such facility holds an Extraction License or endorsement and all such Extraction is performed in accordance with Section 15;
- B. purchase Adult Use Cannabis Products, Adult Use Cannabis Concentrates and Cannabis Derivatives, and store the same;
- C. package and label Approved Cannabis Products, including Adult Use Cannabis Edibles containing the Permitted Cannabis Concentrates and Adult Use Cannabis Products containing Permitted Cannabis Concentrates that are intended to be consumed by the inhalation of vapor, for Wholesale to other Cannabis Businesses;
- D. submit Commercial Cannabis to an Independent Third-Party Laboratory for quality assurance testing;
- E. dispose of or destroy Cannabis waste in compliance with this Ordinance and the Regulations; and
- F. perform other actions approved by the Commission in its Regulations or License endorsement, including the purchase and Wholesale of Medical Use Cannabis Products and Cannabis Concentrates.

2. A Manufacturer may make Sales of Approved Cannabis Products for adult use at Wholesale to other Community Cannabis Businesses as authorized by such business's License type(s), and insofar as permitted by applicable law or compact, to Foreign Cannabis Businesses licensed by other tribal governments or the State.
- b. Facility and Operational Standards.
1. Manufacturing Facility Standards. In addition to the standards described in Section 12(a), the following requirements apply to Manufacturing Facilities: All equipment used in the Manufacturing of Cannabis Products must be food-grade, and all counters and surface areas must be constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.
 2. Manufacturing Operational Standards. In addition to the standards described in Section 12(b), the following requirements apply to operations in a Manufacturing Facility:
 - A. All chemicals (which must be non-Volatile Solvents unless the Manufacturer has an Extraction License and performs any Extraction activities in accordance with Section 15) used in the Manufacturing process shall be identified, held, and stored in a manner that protects against contamination of Cannabis, and in a manner that is in accordance with this Ordinance and any applicable Tribal, state, or federal law, rule, or regulation.
 - B. Manufacturing operations shall be conducted in accordance with sanitation measures adequate to ensure the safety of the Employees and the products produced in the Manufacturing Facility that are intended for consumption or topical application, including any product or material intended to be Infused or otherwise incorporated into a Cannabis Product Manufactured at the Manufacturing Facility.
 - C. Manufacturers must ensure that all equipment, counters, and surfaces used in the production of a Cannabis Products are thoroughly cleaned after the completion of each Batch of a Cannabis Product.
- c. Written Operating Procedures Required. In addition to the general requirements for operating procedures under Section 12(e), each Manufacturing Facility shall establish written procedures specific to the Manufacturing of Cannabis Products, which, at minimum, must include the additional following information:
1. Standard operating procedures for each method used to produce a Cannabis Product.
 2. Written quality control procedures designed to minimize any potential risks to Employees or contamination of Cannabis Products.
 3. A standard operating procedure for each type of Cannabis Product to be produced that is designed to maximize Employee safety and minimize potential

contamination of Commercial Cannabis with residual solvents or microbials and mold.

4. A comprehensive training manual that provides step-by-step instructions for each method used to produce a Cannabis Product. The training manual must include, but need not be limited to, all standard operating procedures, quality control procedures and safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in each process used to create Cannabis Products, and any cleaning required to comply with all applicable sanitary rules.
5. Procedures for adequate training prior to an individual engaging in the production of a Cannabis Product. Adequate training must include, but need not be limited to, providing the appropriate Employee with the training manual and live, in-person instruction detailing safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in the process, and any cleaning required to maintain compliance with all applicable sanitary rules.
6. Procedures for maintaining clear and comprehensive records that document every phase of each step in the production of each Batch of Cannabis Product, which must include the name and License number of every Employee that worked on such Batch.
7. Procedures for how the Cannabis Products will be transported from the Manufacturing Facility to a Cannabis Business.
8. The procedure and documentation process for determining patient dosage, including testing for the major active agents, in the Commercial Cannabis (e.g., cannabinoids Tetrahydrocannabinol (THC), Cannabidiol (CBD) and Cannabinol (CBN)) produced or received at the Extraction Facility.
9. Standards for the processing of Cannabis into food and other edibles by cooking, baking, infusing, or grinding sufficient to ensure that such edibles are free of contaminants and safe for human consumption or topical application.

Section 17. Commercial Distribution.

a. Permitted Activities.

1. A Distributer may:
 - A. make Commercial Purchases of any Commercial Cannabis approved by the Commission for Wholesale or Industrial Sale distribution by a Distributer;
 - B. store, at the Distribution Facility, any Commercial Cannabis approved by the Commission for Wholesale or Industrial Sale distribution by a Distributer;
 - C. Transport any Commercial Cannabis approved by the Commission for Wholesale or Industrial Sale distribution by a Distributer, without obtaining a Transport License or endorsement, provided all such Transportation is done in accordance with Section 20; and

- D. perform other actions approved by the Commission in its Regulations or License endorsement.
 - 2. A Distributer may make Sales of any Commercial Cannabis approved by the Commission for Wholesale or Industrial Sale distribution by a Distributer to other Community Cannabis Businesses, as authorized by such business's License type(s), and insofar as permitted by applicable law or compact, to Foreign Cannabis Businesses licensed by other tribal governments or the State.
- b. Facility and Operational Standards.
- 1. Distribution Facility Standards. In addition to the standards described in Section 12(a), a Distribution Facility must:
 - A. be secured and not open to the public;
 - B. be within a structure that is kept in good repair and adequately ventilated, with odor-control measures for external venting;
 - C. have designated areas for loading and unloading Commercial Cannabis that are obstructed from public view and access;
 - D. have ventilation, lighting, and climate control adequate to prevent mold, bacterial contamination or other spoilage of the Commercial Cannabis stored within;
 - E. be maintained in a clean and sanitary condition, free from infestation by insects, rodents, and other pests; and
 - F. comply with any additional regulations regarding Distribution Facility standards adopted by the Commission.
 - 2. Distribution Operational Standards. In addition to the standards described in Section 12(b), the following requirements apply to operations in a Distribution Facility: Distributers must ensure that all equipment used in association with Distribution Facility operations are maintained in good working order and, with regard to any heavy equipment, are routinely inspected for safety.
- c. Written Operating Procedures Required. In addition to the general requirements for operating procedures under Section 12(e), each Distribution Facility shall establish written procedures specific to the Distribution of Commercial Cannabis, which, at minimum, must include the additional following information:
- 1. Written quality control procedures designed to minimize any potential contamination or spoilage of Cannabis Products.
 - 2. Procedures for adequate training prior to a Person using any mechanical or heavy equipment in association with Distribution Facility operations. Adequate training must include, but need not be limited to, providing the appropriate Person with a training manual and live, in-person instruction detailing safety procedures for the appropriate use and maintenance of such equipment.

Section 18. Retail Sale.

a. Permitted Activities.

1. A Cannabis Retailer may:

- A. make Retail Sales of Adult Use Cannabis Products to persons over twenty-one (21) years of age, but only if such products are packaged, labeled, and tested in compliance with, and acquired from a Cannabis Business licensed under, this Ordinance;
- B. if properly endorsed by the Commission, make Retail Sales of Medical Use Cannabis Products, including to Persons under twenty-one (21) years of age with a current and valid Medical Card and, for Persons under the age of eighteen (18), accompaniment by a parent or adult guardian at the time of purchase;
- C. make purchases of Cannabis Products at Resale;
- D. store Cannabis Products on site;
- E. submit Cannabis Products to Independent Third-Party Laboratories for quality assurance testing;
- F. dispose of or destroy Cannabis waste in compliance with this Ordinance and the Regulations; and
- G. perform other actions approved by the Commission in its Regulations or License endorsement, including repackaging Bulk Sale purchases for Retail.

2. A Cannabis Retailer may not:

- A. Sell any Cannabis Products to visibly intoxicated persons; or
- B. knowingly Sell any Cannabis Products under circumstances that would permit the consumer to possess Cannabis Products in excess of the possession limits established by the Commission in its Regulations.

b. Facility Standards. In addition to the standards described in Section 12(a), the following requirements apply to Cannabis Retail Facilities:

1. Cannabis Retail Facility Standards.

- A. A Cannabis Retail Facility must have a designated retail area where customers are permitted and which restricts customers from accessing non-public areas of the facility. The retail area shall include the portion of the premises where samples of cannabis flower and cannabis products available for Sale are displayed. All other Cannabis Products in inventory must be stored in a secure storage area.
- B. Cannabis inventory must be secured in a Limited Access Area. The secured storage area shall have ventilation, lighting, and climate control adequate to prevent mold, bacterial contamination and spoilage of Cannabis Products. The

secured storage areas may not be open to, or otherwise accessible by, the public.

- C. A Cannabis Retail Facility must have a Limited Access Area for receiving deliveries of Cannabis Products.
 - D. Information technology equipment must be stored in a Limited Access Area.
 - E. A Cannabis Retail Facility must have designated areas for handling cash transactions and equipment sufficient for securely storing cash within the facility.
 - F. A Cannabis Retail Facility must be maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.
2. Cannabis Retail Operational Standards. In addition to the standards described in Section 12(b), the following requirements apply to operations in a Cannabis Retail Facility:
- A. Transfer or Sale of Cannabis Products to retail customers may only be done in the retail area.
 - B. Deliveries must be made through a designated Limited Access Area and may not be accepted through any public access areas.
 - C. Employees shall not Sell a Cannabis Product to an individual whose perceptions, attention, coordination, reaction time, and other cognitive skills appear to be inhibited so much so that a reasonable person would believe their ability to drive safely is inhibited.
- c. Written Operating Procedures Required. In addition to the general requirements for operating procedures under Section 12(e), each Cannabis Retail Facility shall establish written procedures specific to the Retail of Cannabis Products, which, at minimum, must include the additional following information:
- 1. A description of the age-verification process for all Persons entering the facility.
 - 2. A description of measures implemented to prevent the Sale of Cannabis Products to intoxicated persons, and the training of Employees to identify, and not to Sell Cannabis Product to, individual whose perceptions, attention, coordination, reaction time, and other cognitive skills appear to be inhibited so much so that a reasonable person would believe their ability to drive safely is inhibited.
 - 3. Internal controls and procedures for handling cash transactions.
 - 4. A description of any customer records acquisition and retention procedures.
 - 5. The process for tracking Cannabis quantities and inventory controls that is specific to Cannabis Retail.
 - 6. A Retail-specific procedure and documentation process for ensuring that all Cannabis Products offered for Sale at the facility comply with applicable safety, packaging, and labeling requirements.

Section 19. On-Site Consumption and Cannabis Events.

- a. Licensing On-Site Consumption of Adult Use Cannabis Products. The Commission may promulgate rules and regulations, subject to the minimum requirements provided in Section 19(c), for the licensing of On-Site Consumption of Adult Use Cannabis Products at permanent establishments and temporary licensing for On-Site Consumption events. On-Site Consumption shall not be permitted under Community Law unless and until such regulations are promulgated by the Commission.
- b. Cannabis Event License. The Commission shall allow a Licensee to host a Cannabis Event, if the Licensee can demonstrate to the satisfaction of the Commission that such Cannabis Event can be conducted safely, securely and in accordance with this Ordinance and the Regulations. The Commission shall set forth instructions to apply for a Cannabis Event License and conditions for approval in the Regulations.
- c. Minimum Standards. Any regulations promulgated by the Commission regarding On-Site Consumption of Adult Use Cannabis and Cannabis Events must provide that: (i) Persons under the age of twenty-one (21) cannot access Cannabis Products; (ii) Cannabis Products may not be sold to visibly intoxicated persons; (iii) no outside Cannabis Products may be used or possessed at the site; and (iv) entry to the site is controlled and the site has adequate safety, security and public health protocols in place.

Section 20. Transportation of Cannabis Products.

- a. Permitted Activities.
 1. A Cannabis Business licensed under this Ordinance may additionally obtain a Transport License or endorsement permitting the Licensee to:
 - A. Transport the Commercial Cannabis it is authorized to Sell, provided such Commercial Cannabis is delivered to a Cannabis Business with a License permitting it to receive the Commercial Cannabis so delivered, subject to any conditions or limitations of the Commission in its Regulations; and
 - B. Transport the Commercial Cannabis it is authorized to Purchase, provided such Commercial Cannabis is purchased from a Cannabis Business with a License permitting it to Sell the Commercial Cannabis so purchased.
 2. All Persons, including a business entity performing Transportation services on behalf of a Cannabis Business and all natural Persons performing the physical transportation of Commercial Cannabis, must be specifically listed on the Transport License or endorsement and must pass a suitability background check performed by the Commission, unless such Person qualifies for reciprocal licensing.
- b. Equipment, Facility, and Operational Standards.
 1. Vehicles and Equipment. Vehicles used for Transportation of Commercial Cannabis must:

- A. Be maintained in good working order and in accordance with any standards set forth by the Commission in its Regulations;
 - B. Adhere to all restrictions on branding or other markings, including no such branding or other markings, as established by the Commission in its Regulations;
 - C. Comply with all Commission Regulations regarding Commercial Cannabis security, including regulations regarding: (a) windows; (b) locks; (c) climate control; (d) alarm systems and GPS or other remote monitoring.
2. Transport Procedures.
- A. Delivery and pick-up trips shall be scheduled to avoid any discernible pattern in route, sequence of stops, and time of pick-up or delivery.
 - B. A copy of the Transport License or endorsement must be kept in the delivery vehicle at all times.
 - C. All Commercial Cannabis shall be transported in accordance with such standards for packaging as established by the Commission in its Regulations.
 - D. Each trip shall be staffed in accordance with such minimum requirements as are established by the Commission in its Regulations.
 - E. All Commercial Cannabis deliveries must include a bill of lading and such other documents as may be required by the Commission in its Regulations.
- c. Operating Procedures. Each Cannabis Business holding a Transport License or endorsement shall establish written operating procedures specific for the Transport of Commercial Cannabis. The operating procedures must include procedures for compliance with the minimum following information:
- 1. standards and procedures for securing shipping containers and monitoring that security while in transit;
 - 2. standards and procedures for allowing government officials to ensure and validate compliance with this program; and
 - 3. any other measures the Committee considers necessary to ensure the security and integrity of transporting Commercial Cannabis.

Section 21. Foreign Cannabis Business Licenses.

- a. Vendor License. Any Foreign Cannabis Business Selling Commercial Cannabis to a Community Cannabis Business must hold a Vendor License.
- b. Commercial Purchaser License. Any Foreign Cannabis Business purchasing Commercial Cannabis from a Community Cannabis Business must hold a Commercial Purchaser License.
- c. Compact May Provide for Recognition of Foreign Cannabis Business License. The Community Council may agree, by Compact or similar instrument, with the State or other Tribal Governments, to alternative procedures or processes for license

reciprocity and any such agreement shall supersede the Foreign Cannabis Business License provisions of this Compact.

Section 22. Independent Third-Party Laboratories Operating within the Community's Indian Country.

With the concurrence of the Community Council, the Commission may adopt regulations authorizing the operation of Independent Third-Party Laboratories within the Community's Indian Country. No such laboratories shall operate within the Community's Indian Country prior to the adoption of such regulations.

Section 23. Miscellaneous Provisions.

- a. Sovereign Immunity. Nothing in this Ordinance shall be or be deemed to be a waiver of the Community's sovereign immunity.
- b. Severability. If any provision of this Ordinance or its application to any Person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
- c. Amendments and Repeals. This Ordinance may only be amended or repealed by the Community Council in accordance with the lawmaking procedure of the Community.
- d. Conflicts of Law. This Ordinance shall be read in conjunction with other Community Law; provided however, if there is any conflict between the provisions of this Ordinance and any other Community Law or a Compact, this Ordinance shall control.